

08-23-04

[Handwritten signature]



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

STEPHEN J. MILLER

Serial No.: 10/628,031

Filed: July 24, 2003

For: PREPARING A HIGH VISCOSITY
INDEX, LOW BRANCH INDEX
DEWAXED OIL

GROUP ART UNIT: 1764

EXAMINER: Unassigned

P. O. Box 6006
San Ramon, CA 94583-0806

PETITION TO CORRECT
NOTICE OF OMITTED ITEMS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. Section 1.17(h) Applicant hereby petition the
Commissioner of Patents to correct notice of omitted items of the above noted
patent application.

I hereby certify that I have a reasonable basis for believing that
this correspondence will be deposited with the United States
Postal Service as "Express Mail" Label No. EV 291404895 US in an
envelope addressed to: Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 August 20, 2004
Date of Deposit

A. Stephen Zavell

Name of Applicant, assignee, or Registered Rep.

[Handwritten signature]
Signature

August 20, 2004
Date

The facts relevant to the grounds for this petition are as follows:

1. On July 24, 2003, the application documents in this matter were completely prepared for and mailed for filing with the U.S. Postal Service "Express Mail Post Office to Addressee" by placing on the filing papers the number of the "Express Mail" mailing label (EV 171091705 US), sealing said papers in a mailing envelope and affixing to said envelope the Express Mail Label, No. EV 171091705 US (a copy is attached).
2. As evidenced by a true copy of the "Express Mail" mailing label (enclosed herewith), the application papers marked as received at the Post Office on July 24, 2003.
3. The Post Card acknowledges the receipt of the 41 pages and 2 drawings and provides a U.S. Patent Application No. 10/620,831 and a date of July 24, 2003 (a copy is attached).
4. The Application Data Sheet referred to the prior application further indicating the USPTO had the application and questioned pages on file (a copy is attached).
5. The Filing Receipt for the subject application was received by the Law Department of Applicants' assignee on June 29, 2004, showing a mailing date of June 22, 2004 with filing date of July 24, 2003 (copy of Filing Receipt enclosed showing the date received).
6. Since this application is a Continuation Application filed from a copy obtained from the USPTO as evidenced by the USPTO's notations in the left margin (additional pages 6 and 38 attached). Thus the pages were on file at the USPTO.

7. To avoid any doubt, additional copies of pages 6 and 38 are included.
8. The date of July 24, 2003 is needed to have a filing date prior to the U.S. Patent No. 6,663,768 issue date of December 16, 2003.
9. Upon review of the file by Applicants' attorney of record, this Petition to correct is submitted to be promptly filed.

In view of the above, Applicants respectfully request that their U.S. Patent Application No. 10/628,031 be accorded a filing date of July 24, 2003.

The USPTO is authorized to charge Deposit Account No. 03-1620 the \$130.00 petition fee as well as any and all other fees and charges to consider, enter, and grant this petition.

Respectfully submitted,



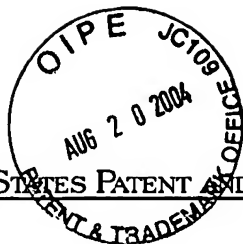
A. Stephen Zavell
Attorney for Applicants
Reg. No. 28,050
(925) 842-1873

Enclosures:

1. True copy of "Express Mail" mailing label showing Date In of July 24, 2003.
2. True copy of the Post Card showing the receipt date of July 24, 2003 with Serial No. 10/628,031 with listing the 41 pages for the specification and 2 sheets of drawings.
3. True copy of the Application Data Sheet.

4. True copy of Filing Receipt received by Applicants on June 29, 2004.
5. Additional copy of pages 6 and 38.
6. Copy of Notice of Omitted Items formalities letter mailed June 22, 2004 by the USPTO.

ASZavell/kmw
August 20, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/628,031	07/24/2003	Stephen J. Miller	T-5550A

34014
 CHEVRON TEXACO CORPORATION
 P.O. BOX 6006
 SAN RAMON, CA 94583-0806

CONFIRMATION NO. 3343

FORMALITIES LETTER



OC000000012999330

Date Mailed: 06/22/2004

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 6 & 38 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE



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FROM: (PLEASE PRINT) PHONE () CHEVRONTXACO LAW DEPT PO BOX 6006 SAN RAMON CA 94583-0806 A. Stephen Zarell				TO: (PLEASE PRINT) PHONE () Mail Stop Patent Application Commissioner for Patent P.O. Box 1450 Alexandria VA 22313-1450			
PRESS HARD. You are making 3 copies. FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com							



FILE COPY

Applicant/Inventor: Stephen J. Kistner
Title of Invention: Preparing A High Viscosity Index, Low ...
Serial Number: T-5550A Filing Date: 7/23/03
Papers Enclosed: _____ Org. Code: _____

- | | |
|---|---|
| <input type="checkbox"/> Provisional Application Coversheet | <input type="checkbox"/> Amendment |
| <input checked="" type="checkbox"/> Utility Patent Application Transmittal Form PTO/SB/05 | <input type="checkbox"/> Preliminary Amendment |
| <input checked="" type="checkbox"/> Fee Transmittal Form PTO/SB/17 | <input type="checkbox"/> Communication/Response |
| <input type="checkbox"/> Application Data Sheet | <input type="checkbox"/> Submission of Formal Drawings |
| <input checked="" type="checkbox"/> Specification (Total Pages <u>41</u>) | <input type="checkbox"/> Notice of Appeal |
| <input type="checkbox"/> Claims (Total Pages _____) | <input type="checkbox"/> Terminal Disclaimer |
| <input checked="" type="checkbox"/> Drawing(s) (Total Sheets <u>2</u>) | <input type="checkbox"/> Status Inquiry |
| <input checked="" type="checkbox"/> Combined Declaration and Power of Attorney | <input type="checkbox"/> Brief on Appeal |
| <input type="checkbox"/> Notice for Missing Parts Transmittal | <input type="checkbox"/> Reply Brief |
| <input type="checkbox"/> Assignment Papers (cover sheet & documents) | <input type="checkbox"/> Request for Oral Hearing |
| <input checked="" type="checkbox"/> Information Disclosure Statement Transmittal | <input type="checkbox"/> Request for Continued Examination (RCE) |
| <input checked="" type="checkbox"/> Information Disclosure Citation Form PTO/SB/08A | <input type="checkbox"/> Continuation (Prior Application No. _____) |
| <input type="checkbox"/> Copies of IDS Citations | <input type="checkbox"/> Divisional (Prior Application No. _____) |
| <input type="checkbox"/> Request for Corrected Filing Receipt | <input type="checkbox"/> Continuation-in-Part (Prior Application No. _____) |
| <input type="checkbox"/> Request for Corrected Notice of Recordation | <input type="checkbox"/> Issue Fee |
| <input type="checkbox"/> _____ Month(s) Extension of Time | <input checked="" type="checkbox"/> Other: <u>Return Postcard</u> |
- Atty: ASZ Asst: Kmw Date Sent: 072403



1/nde



APPLICATION DATA SHEET

Application Information

Application Type::	Regular
Subject Matter::	Utility
Title::	Preparing a High Viscosity Index, Low Branch Index Dewaxed Oil
Attorney Docket Number::	T-5550A
Request for Early Publication?::	No
Request for Non-Publication?::	No
Suggested Drawing Figure::	One (1)
Total Drawing Sheets::	Two (2)
Small Entity?::	No

Applicant Information

Applicant Authority Type::	Inventor (1)
Primary Citizenship Country::	US
Status::	Full Capacity
Given Name::	Stephen
Middle Name::	J.
Family Name::	Miller
Name Suffix::	
City of Residence::	San Francisco
State or Providence of Residence::	California
Country of Residence::	USA
Street of mailing address::	520-45 th Avenue
City of mailing address::	San Francisco
State or Providence of mailing address::	California
Postal or Zip Code of mailing address::	94121

Applicant Authority Type::	Inventor (2)
Primary Citizenship Country::	US
Status::	Full Capacity

Given Name::	
Middle Name::	
Family Name::	
Name Suffix::	
City of Residence::	
State or Providence of Residence::	
Country of Residence::	
Street of mailing address::	
City of mailing address::	
State or Providence of mailing address::	
Postal or Zip Code of mailing address::	

Correspondence Information

Corresponding Customer

Number::



34014

Phone Number::

(925) 842-1873

Fax Number::

(925) 842-2051

Representative Information

Representative Customer

Number::



34014

Domestic Priority Information

Application::

Continuity Type::

Parent Application::

Parent Filing Date::

This Application

Continuation of

09/107,835

June 30, 1998

09/107,835

An application claiming the
benefit under 35 USC 119(e)

60/417,509

March 6, 1998

Foreign Priority

Country::

Application number::

Filing Date::

Priority Claimed::

Assignee Information

Assignee Name:: Chevron U.S.A. Inc.



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/628,031	07/24/2003	1764	750	T-5550A	2	20	2

CONFIRMATION NO. 3343

34014
 CHEVRON TEXACO CORPORATION
 P.O. BOX 6006
 SAN RAMON, CA 94583-0806

FILING RECEIPT



OC000000012999329

Date Mailed: 06/22/2004

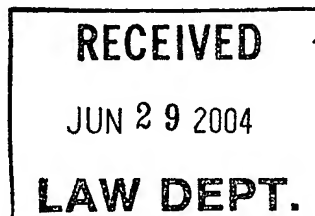
Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Stephen J. Miller, San Francisco, CA;

Assignment For Published Patent Application

Chevron U.S.A. Inc.;



Domestic Priority data as claimed by applicant

This application is a CON of 09/107,835 06/30/1998 PAT 6,663,768

Foreign Applications

If Required, Foreign Filing License Granted: 06/18/2004

Projected Publication Date: To Be Determined - pending completion of Omitted Items

Non-Publication Request: No

Early Publication Request: No

Title

Preparing a high viscosity index, low branch index dewaxed oil

E.A. 07/06/04

Preliminary Class

208

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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